



W.P.(MD)No.2506 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2506 of 2012

Robert Bruce

... Petitioner

versus

1. The District Collector,
Kanyakumari District.

2. The District Revenue Officer,
Office of the Collectorate,
Nagercoil,
Kanyakumari District.

3. The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.

4. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorarified Mandamus, to call for
the records pertaining to the impugned order of the 4th respondent dated



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25.04.2011 and quash the same and direct the respondents to grant patta in the name of the petitioner to the properties situated in Re.Sy.No.422, Sy.Nos.2022-A, 2022-B of an extent of 1 acre 10 ½ cents lying in Palukkal Village, Vilavancode Taluk, Kanyakumari District as per the Sale Deed dated 02.07.1997, 02.11.1991 and 02.11.1991 within a time fixed by this Court.

For Petitioner : Ms.J.Anandhavalli
For Respondents : Mr.R.Baskaran,
Additional Advocate General,
assisted by Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is the purchaser of the land in Re.Sy.No.422, to an extent of 1 acre 10 ½ cents, situated in Palukkal Village, Vilavancode Taluk, Kanyakumari District, vide Sale Deeds dated 02.07.1997, 02.11.1991 and 02.11.1991. He has filed this writ petition as against information furnished by the 4th respondent, in proceedings dated 25.04.2011 under the Right to Information Act that patta cannot be granted as the land in question has been classified as Government Poramboke Land.



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2. The learned counsel appearing for the petitioner submits that the suit in O.S.No.38 of 1089 was filed by one Lakshmipillai and others in respect of Sy.Nos.2022-A, 2022-B and 2010-J in Lakkom 47 to an extent of 44 acres. Before the State Reorganization Act, which came into force on 01.10.1956, the above said properties form part of Travancore Cochin State. It was then classified wrongly as poromboke by the then Travancore Cochin State. After contest, the suit was decreed on 14.09.1915 and it was held therein that the plaintiffs therein are entitled to the properties. Thereafter, several suits have been filed in respect of the said properties. In all the suits, the plaintiffs predecessors have succeeded and the petitioner is now in possession and enjoyment of one of those properties. Hence, he gave a representation dated 06.06.2009 to the respondents, requesting them to grant patta in his favour. However, the same was not considered by the respondent. Therefore, the petitioner has filed a writ petition in W.P. (MD)No.3036 of 2010 and this Court, by order dated 11.03.2010,



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directed the third respondent to consider the representation of the petitioner and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of the order. Thereafter, the petitioner sought for information about the granting of patta and pursuant to the same, the present impugned information has been issued.

3. The learned Additional Advocate General submits that the subject properties are classified as Assessed Waste Dry (A.W.D) and therefore, no persons can claim right over the properties. With regard to the subject properties, the other similarly placed persons have also filed revision petitions before the Special Commissioner and Commissioner of Land Administration, Chennai, challenging the validity of the orders of the Director of Survey and Settlement in R.P.No.12 of 1987 dated 02.04.1988. The said revision petition was dismissed by the Special Commissioner and Commissioner of Land Administration, Chennai, by proceedings dated 20.05.1997. Therefore, the petitioner, who is also



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similarly placed, was denied patta. He would further submits that the petitioner's remedy, if any, is only before the Commissioner of Land Administration, Chennai and not before this Court.

4. In view of the above said submissions of the learned Additional Advocate General and the above said subsequent development, this writ petition is disposed of with liberty to the petitioner to work out his remedy before the Commissioner of Land Administration, Chennai or challenge the proceedings dated 20.05.1997 passed by the Commissioner of Land Administration, Chennai, in accordance with law. No costs.

27.11.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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